

CHAPTER 19.42

Telecommunications

19.42.010 Intent.

It is the intent of the City by establishing telecommunication standards to ensure the quality appearance for the placement, construction and modification of commercial and/or personal wireless service facilities that would ensure the quality and appearance of new or improved developments coinciding with the City's Comprehensive Plan. (Ord. 006-00, 2000)

19.42.020 Plan required.

A site plan shall be submitted to the Planning Director and contain the following information:

A. A site plan that shows the relative shape, size and location of all existing and proposed transmission structures, guy wires anchors, warning signs, fencing and access restrictions.

B. A report by a licensed professional engineer demonstrating compliance with applicable structural standards and the general structural capacity of the proposed facility.

C. The number, type and size of antenna that can be accommodated.

D. A report that includes the following, if applicable:

1. A description of any proposed telecommunications facility including height above grade, materials and color.

2. A landscaping and/or visual mitigation plan (to scale) acceptable to the Director of Planning, detailing how screening from the public view will be accomplished, including cross sectional views, as appropriate.

3. An erosion control and revegetation plan.

E. Each permit application shall be accompanied at the time of filing by a fee as established by City Council by resolution.

F. Any decision to deny an application requesting to place, construct or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. (Ord. 006-00, 2000)

19.42.030 Definitions.

A. *Accessory equipment for low-power telecommunications facility.* Equipment including buildings and cabinets, used to protect and enable radio switching equipment, backup power and other devices, but not including antennas, that is necessary for the operation of a low-power telecommunications facility.

B. *Antenna.* A device used in communications which transmits or receives radio signals.

C. *Building roof or wall mounted telecommunications facility.* Means a low-power telecommunication facility where antennae are mounted either on the roof or face of a legally existing building other than a building or structure accessory to a telecommunications facility. Facilities within this category may include micro-cell or repeater facilities.

D. *Co-location.* Locating wireless communications equipment from more than one (1) provider on a single site.

E. *Commercial Mobile Radio Service (CMRS) facility.* Also known as, *low-power telecommunication facility*, means an unstaffed facility consisting of antennae, equipment and equipment storage shelters used for the reception, switching and/or transmission of wireless telecommunications including, but not limited to, paging, enhanced specialized mobile radio, personal communications services, cellular telephone and similar technologies. These facilities operate at on thousand (1,000) watts or less of effective radiated power and within frequencies authorized by the Federal Communications Commission for such purposes.

F. *Equipment storage shelter.* A structure used for freestanding CMRS facilities or, where necessary, roof or building-mounted facilities to house CMRS equipment. These shelters are not intended for human habitation and typically range between four hundred (400) and nine hundred (900) square feet.

G. *Federal Communications Commission (FCC).* The federal agency responsible for licensing and regulating communication providers. The FCC has primary regulatory control over communications providers through its powers to control interstate commerce and to provide a comprehensive national system in accordance with the Federal Communications Act.

H. *Freestanding telecommunication facility.* A CMRS facility that consists of a stand-alone support structure, antennae, and any associated equipment storage shelter.

I. *Lattice tower.* A guyed or self-supporting three- or four-sided, open, steel frame structure used to support telecommunications equipment.

J. *Micro-cell facility.* A low-power telecommunications facility used to provide increased capacity in areas of high service demand or to improve coverage in areas of weak coverage.

K. *Monopole.* Monopole means a structure composed of a single spire used to support telecommunications equipment.

L. *Panel antenna.* An antenna or array of antennas designed to concentrate a radio signal in a particular area.

M. *Radio tower.* A structure for sending and/or receiving an analog or digital communication signal over the air, excepting the standard "satellite dish" under thirty-six (36) inch diameter.

N. *Repeater telecommunications facility.* A low-power facility (CMRS) that extends coverage to areas not covered by the originating primary facility.

O. *Telecommunications infrastructure.* The cables, switches, radio towers and other facilities and equipment that are required to make telecommunications work.

P. *Whip antenna.* An antenna that transmits signals in three hundred sixty (360) degrees, and are typically cylindrical in shape.

Q. *Wireless communications site.* An installation containing the transmitters, receivers and control equipment necessary to connect the mobile telephone system and the conventional wireline telephone network. (Ord. 006-00, 2000)

19.42.040 Standards for all low-power telecommunications facilities.

A. The standards in Chapter 19.42 apply to all applications of low-power telecommunication facilities. The applicant shall demonstrate to the City, in writing, it meets all applicable standards and provisions of the Code.

B. The City encourages co-location of low-power telecommunication facilities to minimize the number of telecommunication sites, however, does not encourage the co-location of a large amount of co-located towers in the same area.

1. No low-power telecommunications facility owner or operator shall unfairly exclude a telecommunication competitor from using the same facility or location. Upon request by the City, the owner or operator shall provide evidence why co-location is not possible.

2. If a telecommunication competitor attempts to co-locate a facility on an existing or approved telecommunication facility or location, and the parties cannot reach agreement, the City may require a third party technical study at the expense of either or both parties to determine the feasibility of co-location.

C. Low-power telecommunication facility owners or operators shall verify that the low-power telecommunication facility complies at all times with the current Federal Communications Commission standards for cumulative field measurements of radio frequency power densities, electromagnetic fields and regulations prohibiting localized interference with reception of television and radio broadcasts.

D. If the low-power telecommunications facility ceases operating for six (6) consecutive months, the facility owner or operator shall remove it within ninety (90) days. If the facility is not removed in that time, the City will notify the owner, by certified mail, to remove the facility or the City will remove it at the owners expense.

E. Any modifications to approved facilities shall be submitted to the Planning Department at least thirty (30) days prior to any modification to increase the wind or weight loading capacity, height or footprint of a tower, and may request copies of plans depicting such modification and other evidence necessary to demonstrate that such modifications are in compliance.

F. Low-power mobile radio service telecommunication facilities will comply with the following zone district use standard:

Facility Type

<i>Zone district</i>	<i>Roof and/or building mount</i>	<i>Freestanding facility</i>	<i>Micro-cell or repeater</i>
R-1E	USR	USR	USR
R-1	NP	NP	NP
RMH	NP	NP	NP
RMFH	NP	NP	NP
R-2	NP	NP	NP

R-3	USR	NP	USR
RC	USR	NP	USR
C-1	P	NP	P
C-2	P	NP	P
C-3	P	P	P
PUD	USR	USR	P
All industrial districts	P	P	P

P PERMITTED (use by right).
NP NOT PERMITTED.
USR USE BY SPECIAL REVIEW.

(Ord. 006-00, 2000)

19.42.050 Standards for freestanding telecommunication facilities.

A. A freestanding telecommunication facility shall meet the greater of the following minimum setbacks from all property lines:

1. The setback for a principal building within the applicable zoning district;
2. Twenty-five percent (25%) of the facility height, including antennas; or
3. The facility height, including antennas, if the facility is in or adjacent to any residentially zoned areas. The City shall consider a facility separated by a street or public right-of-way from a zoning district as adjacent to that zoning district.

B. A freestanding telecommunication facility shall meet the following standards to minimize impacts:

1. Use existing land forms, vegetation and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment.
2. Comply with all applicable landscape regulations.
3. Accommodate co-location of facilities unless the City approves an alternative design.
4. Design materials, colors of antennas, and their support structures, shall be compatible with the surrounding environments, and monopole support structures shall be thirty (30) inches at the base and tapered to the top, except in the industrial zone districts. Maximum lattice tower width shall be thirty-six (36) inches except in the industrial zone districts. Maximum cross bar length shall be fifteen (15) feet, except in the industrial zone districts.
5. No freestanding telecommunication facility over forty (40) feet in height shall be permitted unless approved as a use by special review in accordance with Chapter 19.44 of the Municipal Code.

C. Accessory equipment for a freestanding telecommunication facility shall meet the following requirements:

1. The buildings, shelters, cabinets and other components shall be grouped as closely as technically possible.
2. The total footprint coverage area of the applicant's accessory equipment shall not exceed three hundred fifty (350) square feet.
3. No accessory structure shall exceed fifteen (15) feet in height.
4. Design, materials and colors of all structures shall be compatible with structures and vegetation on the same parcel and adjacent parcels, and shall not reduce the parking requirement and landscaped area for other principal uses on the parcel. (Ord. 257-04, 2004; Ord. 006-00, 2000)

19.42.060 Standard for micro-cell and repeater facilities.

Micro-cell and repeater facilities must comply with all the standards for free-standing telecommunications facilities, including:

1. A micro-cell telecommunications facility or repeater telecommunication facility in a City street, right-of-way or electrical utility easement shall be exempt from the minimum setback requirements.
2. The maximum number of antenna per micro-cell telecommunication facility or repeater telecommunication facility shall be four (4) whip and panel antennas and one (1) microwave antenna.
3. No whip antenna shall exceed twelve (12) feet in length.
4. Panel antennas shall not exceed eighteen (18) square feet per micro-cell telecommunication facility or repeater telecommunication facility.
5. The maximum diameter of a microwave dish antenna shall not exceed two (2) feet.
6. A residential zoned parcel may only have one (1) micro-cell telecommunications facility or repeater telecommunication facility. A building with residential units on a nonresidential zoned parcel may have two (2) micro-cell telecommunication facilities or repeater telecommunication facilities. (Ord. 006-00, 2000)

19.42.070 Standards for building wall or roof mounted telecommunication facilities.

A. A building wall mounted telecommunication facility may encroach into a setback a maximum of two and one half (2½) feet, but shall not extend over a property line.

B. A building roof mounted telecommunication facility, including antennas, shall not exceed the maximum structure height within the applicable zoning district, with the following exceptions for facilities on existing buildings exceeding or within five (5) feet of the height limit.

1. Whip antennas shall extend no more than ten (10) feet above the parapet of any roof or the structure to which they are mounted.
2. Panel antennas shall extend no more than five (5) feet above the parapet of the roof to which they are mounted.

3. Accessory equipment structures shall extend no more than five (5) feet above any parapet of the roof to which they are mounted.

C. A building wall mounted telecommunication facility shall adhere to the following design standards to minimize impacts:

1. Design materials, colors and location of the facility shall be compatible with the building and wall it is mounted on, and minimize adverse visual impacts.

2. Mounting of antennas shall be as flush to the building wall as technically possible and shall not extend above the roof line of the building.

3. Maximum area of panel antennas per building face shall not exceed twenty (20) square feet per facility or an aggregate total of sixty (60) square feet for all facilities.

D. A building roof mounted telecommunication facility shall adhere to the following design standards to minimize impacts:

1. Design, materials, colors and location of the facility shall be compatible with the building it is mounted on, and minimize adverse visual impacts.

2. Antennas, support structures, accessory equipment and all other roof-mounted appurtenances shall not exceed an aggregate total of twenty-five percent (25%) of the building roof area.

3. Only one (1) roof-mounted telecommunication facility support structure may extend more than ten (10) feet above the existing building or structure.

E. The low-power telecommunication facility shall be mounted on a building wall if feasible, otherwise it may be mounted on the roof.

F. A residential zoned parcel or building with residential units may only have one (1) building wall or roof-mounted telecommunication facility.

G. Accessory equipment for a building wall or roof-mounted telecommunication facility shall meet the following requirements:

1. The buildings, shelters, cabinets, and other components shall be grouped as closely as technically possible.

2. Total footprint coverage area of the applicant's accessory equipment shall not exceed three hundred fifty (350) square feet.

3. No structure shall exceed fifteen (15) feet in height.

4. Design, materials and colors shall be compatible with structures and vegetation on the same parcel and adjacent parcels, and shall not reduce the parking requirements and landscaped area for other principal uses on the parcel. (Ord. 006-00, 2000)

19.42.080 Nonconforming uses and buildings.

A. All property within existing developments on the effective date of this Chapter which is not in compliance with the provisions of this Chapter shall be considered legal nonconforming.

B. A micro-cell telecommunication facility or repeater telecommunication facility cannot be constructed on structures or buildings established as legal nonconforming. (Ord. 006-00, 2000)

19.42.090 Variance.

A. Application for variance or modification of these regulations shall be submitted to the Zoning Board of Appeals. Such application shall include a statement setting forth the nature and extent of the requested variance or modification, together with evidence supporting need for such variance. Each application for a variance to the requirements of this Chapter shall be accompanied at the time of filing by a fee as established by City Council by resolution.

B. The findings and determinations of the Zoning Board of Appeals may be reviewed, modified, affirmed or reversed by five (5) votes of the City Council upon its own motion, or upon the application therefore by any interested person within thirty (30) days after such findings or a determination has been made by the Zoning Board of Appeals. (Ord. 006-00, 2000)

19.42.100 Enforcement authority.

A. The administrative authority, designated by the City Council, is authorized and directed to administer and enforce all of the provisions of this Chapter. The authority will be provided with assistance of such other persons as the City Council may direct.

B. If the administrative authority finds that any of the provisions of this Chapter are being violated, the authority shall notify in writing, by registered or certified mail, the person responsible for such violation indicating the nature of the violation, and ordering the action necessary to correct it. The authority shall order immediate discontinuance of illegal use of the land, building or structure, to ensure compliance with or to prevent violation of its provisions. The authority may grant a stay of execution of this order not to exceed six (6) months for compliance with this Title. (Ord. 006-00, 2000)

19.42.110 Violation – penalty.

Any person who violates any of the provisions of this Chapter is guilty of a violation of this Chapter and shall be punished as provided in Section 1.16.010 of this Code. (Ord. 006-00, 2000)